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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,499	12/03/2001	Paul Trpkovski	44046.103.219	6472

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EXAMINER

SLACK, NAKO N

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,499

Applicant(s)

TRPKOVSKI, PAUL

Examiner

Naoko Slack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 18-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

In view of Applicant's remarks on page 9 of Amendment A, objections to the Drawings and Specification are withdrawn. Claims 18-31 have been cancelled as requested. Applicant's arguments with respect to claim 1-17 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 is a phrase that appears to be incomplete.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Great Britain Patent 1426906.

Claims 1, 8-11:

Great Britain Patent 1426906 discloses a method comprising the steps of providing first and second panes separated by and adhered to a spacer (page 4, column 1, lines 20-22) and applying a deposit forming material to at least a portion of the periphery of the first pane while at least a portion of the first pane's inner face is shielded by the second pane (shown in Figure 1). Furthermore, in applying a deposit on a double pane window whose edges are sealed by a peripheral spacer, it is inherent that the second pane would shield the inside face of the first pane from the deposit.

Claim 2:

Great Britain Patent 1426906 discloses the step of applying the deposit forming material to at least a portion of the periphery of the first pane whereby the application is performed by spraying (page 3, column 1, lines 18-22).

Claim 7:

Great Britain Patent 1426906 discloses a method comprising the steps of providing an insulating glass unit with first and second panes and a spacer extending therebetween, applying a first deposit to at least a portion of the periphery of the first pane, and applying a second deposit to at least a portion of the periphery of the second pane wherein the first and second deposits are applied simultaneously (page 4, column 1, lines 1-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 1426906 in view of US Patent 6120908 to Papanu et al.

Claims 3 and 16:

While Great Britain Patent 1426906 teaches that the deposit forming material is a molten plastic (page 3, line 20), Great Britain Patent 1426906 fails to teach that the deposit forming material comprises an epoxy crosslinker. However, Papanu et al. teaches a method of strengthening glass by applying an epoxy crosslinker (column 4, lines 21-27) which strengthens the glass pane (column 2, lines 34-39). In view of Papanu et al., it would have been obvious for one of ordinary skill in the art at the time the invention was made to apply a deposit comprising an epoxy crosslinker onto the pane edges of Great Britain Patent 1426906, as Great Britain Patent 1426906 is motivated to improve the strength of the pane (page 3, column 2, lines 121-130).

Claims 4 and 17:

Great Britain Patent 1426906 fails to teach that the deposit forming material comprises silane. Papanu et al. teaches a method of strengthening glass window panes by treating the edges of the glass with an aqueous solution containing an epoxy and silane-based strengthening compound (column 2, lines 25-33 and column 4, lines 2-10). In view of Papanu et al., it would have been obvious for one of ordinary skill in the art at the time the invention was made to apply an epoxy and silane-based

strengthening compound to the pane edges of Great Britain Patent 1426906, as Great Britain Patent 1426906 is motivated to improve the strength of the pane (page 3, column 2, lines 121-130).

Claims 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 1426906 in view of US Patent 5468538A to Nameche.

Claims 5, 14, and 15:

Great Britain Patent 1426906 fails to disclose the step of applying a mask to the outer face of the first pane. However, the step of masking areas of a window pane to protect it from splatter during deposit application is very well known in the art. For example, Nameche discloses the step of masking outer faces of a pane prior to application of deposit (column 2, line 66- column 3, line 9). In view of Nameche, it would have been obvious for one of ordinary skill in the art at the time the invention was made to mask the outer faces of first and second panes of Great Britain Patent 1426906 to protect the pane faces from errant splattering of the sprayed deposit and to protect the pane surface from scratches, as Great Britain Patent 1426906 is concerned with protecting the panes from scratches and defects which can cause breakage (page 1, column 2, lines 59-67).

Claims 6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 1426906 in view of US Patent 5439716 to Larsen.

Claims 6, 12, and 13:

While Great Britain Patent 1426906 discloses a method comprising the steps of providing first and second panes separated by and adhered to a spacer (page 4, column 1, lines 20-22), application of a sealant bead is not disclosed. However, the use of sealing beads is very well known in the window art. For example, Larsen discloses a double paned window with a spacer whose peripheral edge is sealed with a sealant bead (21, Figure 2) for protecting the window from moisture. As shown in Figure 2, a sealant bead is applied to the second face of the first pane and to the first face of the second pane. In view of Larsen, it would have been obvious for one of ordinary skill in the art at the time the invention was made to apply a sealant bead around the peripheral edge of the double pane window of Great Britain Patent 1426906, as Great Britain Patent 1426906 is concerned with preventing water from penetrating the double-glazed unit (page 2, column 1, lines 19-23).

Final Rejection

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


NS


Carl D. Friedman
Supervisory Patent Examiner
Group 3600